

SENATE BILL NO. 468

INTRODUCED BY MANGAN

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A TEMPORARY RESTRAINING ORDER MAY NOT BE GRANTED TO ENJOIN THE SUSPENSION OR OTHER EXCLUSION OF A STUDENT FROM PARTICIPATION IN EXTRACURRICULAR ACTIVITIES UNLESS THE SCHOOL DISTRICT HAS BEEN GIVEN ~~NOTICE AND~~ A REASONABLE OPPORTUNITY TO OBJECT TO THE ISSUANCE OF THE ORDER; AMENDING SECTION 27-19-315, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 27-19-315, MCA, is amended to read:

"27-19-315. When restraining order may be granted without notice. (1) A temporary restraining order may be granted without written or oral notice to the adverse party or ~~his~~ the party's attorney only if:

(1)(a) it clearly appears from specific facts shown by affidavit or by the verified complaint that a delay would cause immediate and irreparable injury to the applicant before the adverse party or ~~his~~ the party's attorney could be heard in opposition; and

(2)(b) the applicant or the applicant's attorney certifies to the court in writing the efforts, if any, ~~which~~ that have been made to give notice and the reasons supporting ~~his~~ the applicant's claim that notice should not be required.

(2) A temporary restraining order may not be granted to enjoin the suspension OR OTHER EXCLUSION of a student from participation in extracurricular activities unless the school district has been given notice and a reasonable opportunity to object to the issuance of the order."

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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